

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3203 of 2017

Arising Out of PS.Case No. -65 Year- 2015 Thana -SC/ST District- SARAN

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1. Raj Kumar Sah, son of Lalan Sah.
2. Dhupnath Sah, Son of Lalan Sah,
3. Bablu Kumar @ Bablu Sah, Son of Lalan Sah. All are resident of
Muhalla- Gudri Bazar, Daulat Ganj, Takkar More, Police Station- Bhagwan
Bazar, District- Saran at Chapra.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Binod Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-12-2017 Heard the learned counsels for the appellants and the

Spl. P.P.

The appellants have challenged the order dated
16.06.2017 passed by the learned 1st Additional Sessions Judge,
Saran at Chapra in connection with Saran SC/ST P.S. Case No.
65/2015 instituted for the offences under Sections 341, 498, 354,
504 and 506/34 of the Indian Penal Code read with Section 3(i)(x)
of the SC/ST (Prevention of Atrocities) Act, 2016, whereby the
prayer for their being released on bail, in anticipation of their
arrest, has been rejected.

Babita Devi/informant has alleged that she has
married one Jai Prakash Shah, who is the agnate of the appellants



and out of the wedlock a daughter has been born, who is nine months old. Because of the informant marrying one of the agnates of the appellants, the appellants have been castigating her by taking her caste name. It has further been alleged in the F.I.R. that on 14.09.2015, the appellants abused her and also attempted to disrobe her.

Mr. Vindhyachal Singh, Learned counsel appearing for the appellants has submitted that the present case has been instituted against the appellants at the instance of the husband of the informant because of land dispute. He has further submitted that the allegations do not inspire confidence, inasmuch as, the informant has already married one of the agnates of the appellants and in that event, there is no occasion for the appellants to abuse the informant by taking her caste name. So far as the allegation of disrobing the informant is concerned, it has been submitted that this is merely at the instance of Jai Prakash Shah, who has definite axe to grind against of the appellants.

For the reasons aforestated, this Court deems it appropriate to set aside the order dated 16.06.2017.

The appellants are directed to be released on bail, in the event of their surrender before the court below within a period of three weeks from the date of receipt/production of a copy of



this order, subject to their furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saran at Chapra in connection with Saran SC/ST P.S. Case No. 65/2015.

(Ashutosh Kumar, J.)

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